



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Repco, Incorporated--Reconsideration
File: B-225496.4
Date: October 19, 1987

DIGEST

Original decision denying protester's challenge to awardee's technical acceptability and dismissing challenge to contracting officer's affirmative responsibility determination is affirmed where protester merely disagrees with decision and reiterates arguments raised initially, but makes no showing that decision was based on error of fact or law.

DECISION

Repco, Incorporated requests reconsideration of our decision Repco, Inc., B-225496.3, Sept. 18, 1987, 87-2 CPD ¶ ____, denying in part and dismissing in part Repco's protest of the award of a contract to Joslyn Defense Systems, Inc. under request for proposals (RFP) No. DAAA03-86-R-0059, issued by the Army for a radio fire alarm system at the Pine Bluff Arsenal, Pine Bluff, Arkansas. We affirm our decision.

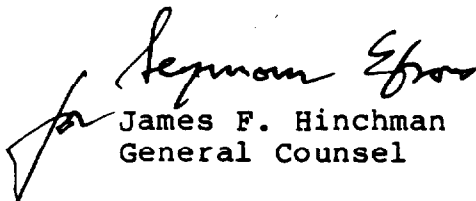
In its protest Repco argued that Joslyn failed to satisfy certain requirements set out in the RFP. Specifically, Repco argued that Joslyn would not furnish "standard-current-products" as required by the RFP because its proposal designated one component of the system it offered, the alarm/system logic board, as "to be designed." We found no basis to object to the Army's decision that Joslyn's proposal was technically acceptable despite the need to modify the circuitry design of its logic board to meet the Army's specialized technical requirements as set out in the RFP. In our view, the Army's decision to accept Joslyn's proposal was based on a reasonable interpretation of the specifications as a whole, since it was consistent with both the requirements to meet the Army's specialized technical needs and to provide a standard, current product.

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As Repco states in its reconsideration request, the Army's position regarding the design modification of Joslyn's board was submitted unsolicited to our Office after the final protest submissions had been received, and Repco did not have an opportunity to respond to it directly. While Repco now challenges our reliance on the information on this ground, Repco has offered no evidence refuting the Army's position or our conclusion other than general unsupported statements reiterating its initial argument that the Joslyn proposal failed to meet the requirement for a standard, current product. Lacking such evidence, Repco has failed to show that our original conclusion was in error. See Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1987).

In the remainder of its protest, Repco alleged that Joslyn was not a responsible firm since, despite statements to the contrary in its proposal, Joslyn did not meet certain requirements in the RFP relating to experience with fire alarm systems. As explained in our decision, we review a contracting officer's affirmative responsibility determination only if there is a showing that it was made fraudulently or in bad faith, or that definitive responsibility criteria in the solicitation were not met. 4 C.F.R. § 21.3(f)(5). Since Repco agreed that there was no evidence of fraud or bad faith and we found that the requirements on which Repco based its challenge to Joslyn's responsibility did not constitute definitive responsibility criteria, we concluded that there was no basis to review the contracting officer's determination in this case. In its request for reconsideration, Repco merely disagrees with our conclusion that the requirements do not constitute definitive responsibility criteria. As with its challenge to the acceptability of Joslyn's logic board, discussed above, Repco's mere disagreement with our conclusion provides no basis on which to disturb our decision.

Our decision is affirmed.


James F. Hinchman
General Counsel